

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**PLAINTIFF'S REQUEST FOR VOIR DIRE EXAMINATION
OF PROSPECTIVE JURORS**

Comes now the Plaintiff, Eddie J. Haynes, and moves the Court to ask the following questions of all prospective jurors on voir dire examination:

1. Are you or anyone in your family acquainted with Eddie Haynes?
2. Have you or any member of your immediate family (spouse, parent, child, brother or sister) ever been employed by the City of Montgomery? If so, please give the details.
3. Do any of you have friends or relatives who have ever been employed by the City of Montgomery? If so, please give the details.
4. Are any of you acquainted with Kimberly Fehl or Allison Highley or any of the other lawyers in the City of Montgomery City Attorney's Office? If so, please give the details.
5. Have you or any member of your immediate family ever been diagnosed or

treated for Generalized Anxiety Disorder? If so, please give the details.

6. Have any of you or any member of your immediate family ever taken any of these medications: Lexapro, Gabitril, Valium, Zoloft, or Flexeril? If so, further questions as to who, when, whether side effects were experienced, etc. should be asked outside the presence of the other jurors. Each juror responding should also be asked individually and in private if they were ever disqualified from a job, suspended, placed on leave, or terminated because of taking that medication.

7. Have any of you or any member of your family ever been disqualified from a job, suspended, placed on leave or terminated because of taking any medication? If so, please give the details.

8. Have you or any member of your family ever been treated for anxiety or depression? If so, further questions as to who, when, etc. should be asked outside the presence of the other jurors. Each juror responding should also be asked individually if they worked, or attempted to work, during that time.

9. Have you or any member of your family ever been treated by a psychiatrist? If so, further questions as to who, when, etc. should be asked outside the presence of the other jurors.

10. Have any of you ever been a patient of Dr. Michael Turner or Dr. Clemmie Palmer? If so, please give the details.

11. Have you or any member of your family ever been employed as a Firefighter?

If so, please give the details.

12. Have you or any member of your family ever been discriminated against because of a disability or because someone thought you were disabled? If so, please describe that experience.

13. Have you or any member of your family ever been accused of discriminating against someone because of a disability? If so, please give the details.

14. Are any of you acquainted with any of the following persons:

Betty J. Haynes	John Carnell
Jerome Wiley	Barbara Montoya
Ann Cottrell	W.S. Biggs
Willie D. Lewis	Eddie Dunning
Dr. Michael Turner	C.E. Walker
Dr. Clemmie Palmer	M.F. Smith
L.M. Hartwell	D. Yelder
Mary House Kessler, Ph.D.	B.S. Hackett
Ricky Johnson	M.H. Stoudenimier
Kyle Miner	Darrow Thomas
Tim Heath	Barry Nummy
Ashley Payton	Jimmy L. Williams
Joseph Addie	Mark Hall
Mark Williams	Anthony D. Tolliver
M. Jordan (City of Montgomery Fire Cheief)	
John McKee (Former Montgomery Fire Chief)	
Bobby N. Bright (Mayor of City of Montgomery)	

15. Have you ever operated a business as an owner or a partner? If so, state when you operated the business and the name and type of business.

16. Have you or any member of your family had any legal training, legal education or work experience in the legal field (such as legal secretary or paralegal)? If so, please give

the details.

17. Have you or any member of your family ever been employed as a medical doctor, psychiatrist, or psychologist, or worked in the office of a doctor, psychiatrist, or psychologist? If so, please give the details.

18. Have any of you ever studied psychiatry or psychology? If so, please describe the nature of your studies.

19. Have you or any member of your family ever been employed as a manager, supervisor, human resources director or in some other position in which you played a part in making employment and discharge decisions? If so, please give the details.

20. Has any one of you personally ever fired an employee or suspended or placed an employee on leave? If so, please give the details as to when, your job, the employee's job and whether you have ever made such a decision because of the medical condition of the employee.

21. Have any of you ever had any training or experience in human resources or personnel matters? If so, please give the details.

22. Has any business for which you worked ever been sued for something you were accused of doing or not doing? If so, further questions as to when, who, etc., should be asked outside the presence of the other jurors.

23. Do you feel that the federal courts should not be involved in efforts to ensure that discrimination in employment, whether based on disability, race, sex, or age, does not occur?

24. In this case Eddie Haynes alleges that he was placed on leave and later terminated from his position as Firefighter with the City of Montgomery Fire Department because of prescription medications he was taking even though he was fully capable of doing his job. Is there any reason why you cannot be an absolutely fair juror in this case? Is there any reason to cause you to lean either the Plaintiff's way or the Defendant's way without regard to the evidence in the case? Is there any reason you cannot be a fair and impartial juror and decide the case solely based upon the evidence and the law as given to you by the Court?

25. Is there anything in your background or beliefs or morality that makes it impossible for you to award monetary damages to a person bringing a lawsuit?

26. If after hearing all the evidence and instructions on the law you find Eddie Haynes has proven his case against the City, would any of you have any trouble returning a verdict for him?

27. Would any of you have any trouble returning a substantial verdict against the City of Montgomery and in favor of Eddie Haynes if such a verdict is justified by the facts and the law in this case?

28. Do you have any feelings toward these parties, or the attorneys, or this kind of an employment discrimination case that would affect your ability to be fair and impartial?

29. Is there anything about the nature of this case or about the people involved in it that makes you hesitate to be a juror here?

30. In a civil action such as this you will be instructed to find that a party has

succeeded in carrying the burden of proof on an issue if, after consideration of all the evidence in the case, you believe that what is sought to be proved on the issue is more likely true than not true. Can you follow the law on this as I will instruct you at the conclusion of the trial even if you personally believe that a higher degree of proof should be required?

/s/ Gerald L. Miller
GERALD L. MILLER (MIL039)
Attorney for Plaintiff

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of March, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Allison H. Highley
Kimberly O. Fehl
Assistant City Attorney
City of Montgomery
P.O. Box 1111
Montgomery, Alabama 36101-1111

/s/ Gerald L. Miller
OF COUNSEL